

## **REMARKS/COMMENTS**

The enclosed is responsive to the Examiner's Office Action mailed on March 29, 2007. At the time the Examiner mailed the Office Action claims 1-20 were pending. By way of the present response the Applicants have: 1) amended the specification without adding any new matter; 2) amended claims 1-2, 7-12, 14-16, and 19; 3) canceled claim 13; 4) added no new claims; and 5) argued the patentability of the Applicants' independent claim 1, 9, and 14. As such, claims 1-12 and 14-20 are now pending. The Applicants respectfully request reconsideration of the claims in view of the following remarks.

### **Oath/Declaration**

In the Office Action mailed on March 29, 2007, The Examiner indicated that the oath or declaration was defective. However, the Examiner, in a teleconversation on May 10, 2007 with the undersigned, submitted that on further examination of the file wrapper no defect was found in the oath or declaration. Hence, the Applicants are not taking any action with regards to the oath or declaration.

### **Drawings**

In the Office Action mailed on March 29, 2007, The Examiner objected to the drawings for having elements numbers not used in the specification. The drawings were also objected because previously submitted formal drawing sheets were not marked "replacement sheet". New formal drawings having captions "replacement sheet" are being sent with this response. Furthermore, the Applicants have made necessary modifications in the

specification with regards to the use of elements numbers to comply with the objection. The Office is requested to withdraw the objection to the drawings.

#### Specification

In the Office Action mailed on March 29, 2007, the Examiner objected to the specification. The Applicants have made necessary modifications without adding new matter in the specification to comply with the objection. Therefore, the Office is requested to withdraw the objections to the specification.

#### Claim Rejections – 35 USC 112

In the Office Action mailed on March 29, 2007, the claims 1-20 were rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter.

Claims 1-2, 7-12, 14-16, and 19 have been modified to rectify indefiniteness, as pointed out by the Examiner, in the claims. The Office is requested to withdraw the rejection under 35 USC 112, second paragraph.

#### Claim Rejections – 35 USC 101

In the Office Action mailed on March 29, 2007, the claims 9-13 were rejected under 35 USC 101 as directed to a non-statutory subject matter because the claims lack a useful,

concrete, and, tangible results. This rejection is respectfully traversed in view of the submitted remarks.

Claim 9 directed to a draw manager configured to receive image data from the applications and display the image on the display screen and modifying the displayed image on the display screen based on the determined update time period. It is further submitted that the draw manager produces a tangible result. As recited in the USPTO's "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility," IV.C.2.b.2.:

"The tangible requirement does not necessarily mean that a claim must either be tied to a particular machine or apparatus or must operate to change articles or materials to a different state or thing. However, the tangible requirement does require that the claim must recite more than a § 101 judicial exception, in that the process claim must set forth a practical application of that § 101 judicial exception to produce a real-world result. Benson, 409 U.S. at 71-72, 175 USPQ at 676-77 (invention ineligible because had "no substantial practical application.").

Receiving an image data from an application running on a sever, displaying the image on the display screen of a client that is in communication with the server through wireless network, and modifying the displayed image being displayed on the display screen based on the determined update time period is a real-world result.

Still further, the Applicants submit that the processing of the claimed invention defines a concrete result. As further guided by the "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility," IV.C.2.b.3., it is stated that:

"...Another consideration is whether the invention produces a "concrete" result. Usually, this question arises when a result cannot be assured. In other words, the process must have a result that can be substantially repeatable or the process must substantially produce the same result again. In re Swartz, 232 F.3d 862, 864, 56 USPQ2d 1703, 1704 (Fed. Cir. 2000) (where asserted result produced by the claimed invention is "irreproducible" claim should be rejected under section 101)." (emphasis added)

In the claimed invention, the recited operations are repeatable, and thus produce a concrete result, thus rendering the claimed invention patentable under §101. Applicants therefore submit that claim 9 recites a practical application that produces a useful, concrete, and tangible result. Therefore, the Office is requested to withdraw the rejection of claim 9 and its associated dependent claims 8-13 under 35 U.S.C. 101.

#### Claim Rejections – 35 USC 103

In the Office Action mailed on March 29, 2007, the Applicants' claims 1, 9, and, 14 were rejected under 35 USC 103(a), as being unpatentable over US Patent Application Publication no. 2003/0189597 (hereinafter "ANDERSON"), in view of US Patent no. 4,550,386 (hereinafter "HIROSAWA"). The background of the Applicants' specification was also used to reject the dependent claim 13. This rejection is respectfully traversed in view of the submitted remarks.

Claims 1, 9, and 14 have been amended to further clarify the structure of the methods and systems for displaying user interface in the telematics client. The subject matter of the claim 13 has been incorporated in the amended independent claims.

Claim 1 is directed to a system for displaying a user interface for a telematics client incorporated in a vehicle. The system includes a display panel configured to display image data of the user interface, wherein the user interface is associated with an application executing in a telematics server and the telematics client incorporated in the

vehicle is in communication with the application through a wireless network. The claim 1 is also directed to an application buffer, located at the telematics server, in communication with the draw manager, the application buffer configured to receive the image data from an application, the application buffer further configured to transmit the image data to the draw manager at a first rate, wherein the draw manager is configured to determine a rate of updating an object of the display image through an interpolation between values associated with most recent image data received from the application buffer and values associated with previous image data in the draw manager manipulation of the image data received from the application buffer.

ANDERSON discloses a method for a user to preview multiple virtual desktops in a graphical user interface. The method includes receiving an indication from a user to preview the multiple virtual desktops and displaying multiple panes on the display. ANDERSON does not disclose, teach, or suggest that the display is a part of the telematics client incorporated in a vehicle. Furthermore, ANDERSON teachings are different because ANDERSON discloses displaying multiple desktops simultaneously, i.e., displaying the user interface of several applications simultaneously whereas the display panel in claim 1 displays the image data of the user interface associated with only one application at a time. ANDERSON also does not disclose, teach, or suggest that the display is in communication with applications that are running on the telematics server and transmitting image data to the display through a wireless network. ANDERSON does not disclose a draw manager, hence, ANDERSON could not disclose that the draw manager is configured to determine a rate of updating an object of the display image through an interpolation between values associated with most recent image data received from the application buffer and values associated with

previous image data in the draw manager manipulation of the image data received from the application buffer.

The Examiner points out that ANDERSON inherently uses “interpolation process” for manipulation of image data. The Applicants respectfully submit that there are various techniques such as image addition, image subtraction, image merging, etc., to manipulate images. Hence, without an explicit disclosure, ANDERSON could not be claimed to be inherently using the technique of image manipulation through interpolation.

HIROSAWA discloses displaying user interfaces of application programs which operate concurrently to be displayed on the split screen of a single terminal linked with the terminal controller. The terminal controller enables simultaneous execution of at least two programs from a terminal without needing any modifications of the existing application programs. HIROSAWA, however, does not disclose, teach, or suggest that the display is a part of the telematics client incorporated in a vehicle. HIROSAWA teachings are different because HIROSAWA is teaching simultaneously displaying the output of at least two application programs whereas the display panel in claim 1 displays the image data of the user interface associated with only one application at a time. HIROSAWA also does not disclose, teach, or suggest that the display is in communication with applications that are running on the telematics server and transmitting image data to the display through a wireless network. HIROSAWA does not disclose a draw manager, hence, HIROSAWA could not disclose that the draw manager is configured to determine a rate of updating an object of the display image through an interpolation between values associated with most recent image data received

from the application buffer and values associated with previous image data in the draw manager manipulation of the image data received from the application buffer.

The Examiner further points out that although ANDERSON and HIROSAWA are silent with regards to placing the computer into a vehicle, Applicants' admission of the prior art discusses placing computers into vehicles for various reasons, and in view of such disclosure, it would have been obvious to one of ordinary skill in the art to place the above combination of ANDERSON and HIROSAWA into a vehicle. The Applicants respectfully submit that Applicants admission of the prior art is different and actually teaches away from combining ANDERSON and HIROSAWA. It is well known in art that simultaneously displaying user interfaces of a plurality of user applications on the display screen is highly resource intensive and require greater data transmission bandwidth compared to displaying the user interface of only one application on the display screen at a time. Both ANDERSON and HIROSAWA disclose handling simultaneous display of more than one application on the desktop. Claim 1 discloses the applications executes on the telematics server, hence, much of the resource burden is transferred to the telematics server from the telematics client. ANDERSON and HIROSAWA, however, do not disclose that the applications run on the telematics server. Therefore, both ANDERSON and HIROSAWA disclose a system that is very resource intensive. The disclosure in the background information of Applicants' specification suggests that a low resource and low bandwidth technique is needed for displaying user interfaces on a mobile device (see paragraph [006] and [007]), i.e., a device installed in a vehicle. Therefore, the teachings in the background of the Applicants' specification would discourage a person skilled in the art from combining ANDERSON and HIROSAWA.

Claim 9 is directed to a draw manager which is a component of a telematics client incorporated into a vehicle, the telematics client being in communication with a telematics server through a wireless network.

Neither ANDERSON nor HIROSAWA teach or disclose a draw manager which is a component of a telematics client incorporated into a vehicle and the telematics client being in communication with a telematics server through a wireless network. For the same reasons discussed in the arguments in support of the patentability of claim 1, neither ANDERSON nor HIROSAWA can be combined with the prior art disclosure of the Applicants' specification.

Claim 14 is directed to a computer implemented method for providing efficient updates for a display screen associated with a telematics system incorporated in a vehicle and in communication with a telematics service through a wireless network. Claim 14 is further directed to performing an interpolation between values associated with most recent the second image data of the draw manager and values associated with previous the first image data of the draw manager. The Applicants respectfully submit for the same reasons as discussed in support of the patentability of claims 1 and 9, neither ANDERSON nor HIROSAWA nor the background of the Applicants specification suggest, disclose, or teach all the limitations of claim 14.

Therefore, ANDERSON, HIROSAWA, and The prior art disclosure in Applicants' specification, either separately or combined, fail to teach, suggest, or disclose, either expressly or inherently, all the elements of the Applicants' claims 1, 9, and, 14.



The Applicants respectfully request reconsideration of the claims and allowance of all claims now presented.

**Conclusion**

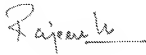
In view of these clarifying claims, the Applicants submit that the cited reference does not suggest the recited elements.

The Applicants respectfully submit that all of the pending claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. If the Examiner has any questions concerning the present Amendment, the Examiner is kindly requested to contact the undersigned at (408) 774-6927.

If there are any additional charges, please charge Deposit Account No. 50-0805 (Order No.SUNMP178). A duplicate copy of the transmittal is enclosed for this purpose. If a telephone interview would in any way expedite the prosecution of this application, the Examiner is invited to contact the undersigned at 408-774-6927.

Respectfully submitted,

Martine Penilla & Gencarella, LLP



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